

CHEMICAL TESTING PROGRAM LOSC REVIEW SHEET- 2002

For Marine Employers

COMPANY NAME: _____

COMPANY CONTACT: _____

COMPANY ADDRESS: _____

PHONE NUMBER: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

VESSEL NAME and VIN: _____

49 CFR Part 40 areas of concern:

Designated Employer Representative (DER) (40.3)	
Identified item/standard	Response from Employer
--Appointed DER	
--Alternative Appointed DER (If there is an alternative DER)	
--Appointed in writing	
--DER Identified in submitted documents	

Contracts with Service Agents (40.11)	
--Contracts with service agents – written or oral	
--If Marine employer – please submit contract example	

Non-DOT/USCG Drug Testing (40.13)	
--Does the marine employer do non-DOT/ USCG drug test	
--Non-DOT account established for testing	

Service Agents (40.15)	
--Are all the service agents identified?	
--Collection facility identified in this document	
--SAMHSA Laboratory identified in this document	
--MRO identified in this document	
--C/TPA, if utilized, please identify	
--SAP identified in this document	
--Any other service agents identified	

Stand-down (40.21)	
--Does the Marine employer have a stand down policy (Not required to have)	
--If so, approval from USCG in writing for this policy	

Non-Negative Drug Test Results (40.23)	
--Positive - Employee immediately removed from safety-sensitive position	
--Adulterated – Employee immediately removed from safety-sensitive position	
--Substituted – Employee immediately removed from safety-sensitive position	
--Dilute – Procedures given in 40.197 followed	
--Invalid – Immediate observed recollection performed	
--Cancelled – Are recollections done when a negative test result is required (i.e., pre-employment, return-to-duty, or follow-up)	

Drug and Alcohol History Checks (40.25)	
--Documentation of requests sent out	
--Request example meet requirements	
--Records kept for three years	
--Documentation of replies to requests	

Specimen Collection Requirements (40.31- 40.37)	
--Collectors meet requirements of 40.31	
--Current copy of 49 CFR Part 40	

and 46 CFR Parts 4 and 16 available or documentation of staying current on regulatory changes	
--Collection site(s) have DER contact information	

Collection Site (40.43)	
--Dedicated site; secure	
--If non-dedicated; made secure during testing	
--Precautions taken to ensure sample not contaminated	
--Privacy maintained unless observed/monitored collection required	
--Temp storage accessible by auth personnel	
--Split specimens are collected for marine personnel	

Chain of Custody (40.45)	
--Federal Drug Testing Custody and Control Form (CCF) used	
--CCF distributed per instructions	

Specimen Handling And Shipping to the Lab (40.51)	
--State how the shipping requirements in 49 CFR 40.51 and Appendix A are met	

Test Laboratory Requirements (40.81)	
--DHHS accredited lab utilized (Give name of laboratory)	

Specimen Analysis (40.85 and 46.113)	
--Specimens tested for Marijuana, Cocaine, Opiates, PCP, and Amphetamines	

Specimen Validity Testing (40.89 – 40.95)	
--Specimen validity testing performed (Not required at present time, optional testing)	

Laboratory Reports (40.97)	
--Laboratory test results/reports accessible	
--Results/Reports forwarded from C/TPA or directly from MRO	

Blind Proficiency Testing (40.103)	
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--Marine employer with less than 2,000 DOT covered employees, not required to submit	
--Marine employer with more than 2,000 DOT covered employees, required to submit	
--Documentation of blind proficiency specimen submission by marine employer	
--Final test results compared to target values	

Statistical Summary Reports (40.111)	
--Reports received from laboratory or C/TPA	
--Reports accessible	

MRO/DER Employee Contact Interaction (40.131)	
--Documentation of DER actions upon request of the MRO	

MRO Reports of Verified Test Results (40.165)	
--Reports directly from the MRO	
--Reports from the MRO to C/TPA to Employer	
--Documented authorization for reports from MRO to the C/TPA and forwarded to employer	

Receipt of Test Results (40.167)	
--Via phone/letter	
--Documentation for receipt of test results (logbook, log sheet, actual MRO report, etc.)	

Split Specimen Testing (40.171 and 40.187)	
--Employer knowledgeable of split specimen testing procedures	
--Employer procedures for split specimen test results	
--Procedures utilized to ensure that there is an immediate recollection of a specimen as required by 40.187(e)	

Test Refusals (40.191)	
--Employer aware of what constitutes a test refusal	

“Shy Bladder” Procedures (40.173)	
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--Employer responsibilities identified for an employees inability to provide a sufficient specimen amount	
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SAP Evaluation Required (40.285)

--Marine employer aware of when a SAP evaluation is required	
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SAP Referrals (40.287)

--Employer has name and contact information for SAP	
--Employer aware of when information for SAP is disseminated	

Return-to-Duty Process (40.303 and 305)

--Employer informed about compliance with SAP recommendations	
--Return-to-Duty tests for drugs and/or alcohol completed	

Follow-up Tests (40.307)

--Employer complies with recommendations of the SAP	
--Follow-up test schedule is confidential and not known by the employee	

SAP Reports (40.311)

--Employer receives all SAP reports directly	
--All SAP reports are kept confidential	
--SAP reports maintained for five years	

Records to be kept by the Employer (40.333)

Records for five years	
--Records of verified positive drug test results;	
--Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);	
--SAP reports	
--All follow-up tests and schedules for follow-up tests.	
Records for three years	
--Information obtained from previous employers under §40.25	
Records for one year	

--Negative and cancelled drug test results	
Maintain the records in a location with controlled access by employer or service agent	

49 CFR Part 40

-- Marine employer copy of 49 CFR Part 40 readily available	
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46 CFR Part 4 Areas of Concern

Serious Marine Incident (SMI) Defined (4.03-2)

--Marine employer have readily available the definition and applicable forms	
--Drugs and alcohol are tested for; timely alcohol test done	
--Form CG-2692 and CG-2692B completed and submitted for each SMI	

46 CFR Part 4

-- Marine employer copy of 46 CFR Part 4 readily available	
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46 CFR Part 16 Areas of concern

Definitions (16.105)

--Marine employer uses a consortium/TPA as defined	
--Marine employer covered employees meet the definition requirements of Crewmember	
--Marine employer follows the definition of Operation of identifying crewmembers who are required to be a Crewmember	
--Marine employer understands what "Refuse to submit" means	
--Marine employer understands the Serious Marine Incident (SMI) definition	
--Marine employer uses the term "Service Agent" as defined and understands that Service Agents are not employers nor can stand in the shoes of the employer for this rule	
--Marine employer is aware of the definition of "Sponsoring Organization"	

--Marine employer understands the role of Substance Abuse Professional (SAP) and the Return-to-Duty Process.	
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Specimen Analysis (46.113 and 40.85)

--Specimens tested for Marijuana, Cocaine, Opiates, PCP, and Amphetamines	
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Penalties (46.115)

--Marine employer aware of penalties for non-compliance	
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Application of Drug Testing Program (46.201)

--CG notified of all positive tests	
--Positive mariners removed from safety sensitive position	
--All mariners who test positive be referred to a SAP	
--All Mariners who test positive receive MRO letter before being placed in safety-sensitive position	

Employer, MRO and SAP Functions (46.203)

--Marine employer cognizant of the roles and reporting requirements for each (Employer, MRO and SAP)	
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Pre-Employment Testing (16.210)

--Required for all new hires unless waiver requirements met	
--Have knowledge of waivers	

Periodic Drug Tests (16.220)

--When required	
--Have knowledge of waiver requirements for periodic test requirement	

Random Drug Tests (16.230)

--Marine employer knows and understands the requirements of this section	
--Tests spread throughout the year	
--All required mariners in pool	
--Random testing rate is 50% (Completion rate versus selection rate)	

Serious Marine Incident Testing (16.240)

--Marine employer has procedures in place to know where to go to meet these requirements	
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Reasonable Cause Testing (16.250)

Parameters for doing this test defined	
--Drugs and alcohol can be tested for	
--Logbook requirement, if applicable	

Records (16.260)

--Done in accordance with 40.333	
--If C/TPA used, records provided within two business days	

Employee Assistance Program (16.401)

--Program provided through C/TPA services or Employer Contract run program	
--Education program includes: display of info, hotline number, and employers' drug use policy	
--Training program includes: effects/consequences of drug/alcohol use, behavioral clues, and training documentation	
--Supervisory Training program minimum of 60 minutes	
--Documentation of education/training program	

Management Information System (MIS) Report

--File copy sent to G-MOA by 15 MAR	
--Marine employer report available for inspection	
--Who will send in the report, the marine employer or the C/TPA?	